

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----	x	
	:	
ADAN ABREU,	:	ECF CASE
	:	
Plaintiff,	:	Docket No.: 15-CV-58 (LDW)(SIL)
	:	
v.	:	
	:	
VERIZON NEW YORK, INC.; DAVID LUCAS,	:	
THOMAS BOLGER, and RICHARD FRANCIS,	:	
	:	
Defendants.	::	
-----	X	

**DEFENDANTS' PROPOSED SPECIAL JURY VERDICT FORM**

Defendants Verizon New York, Inc. ("Verizon"), David Lucas, Thomas Bolger, and Richard Francis, (collectively, "Defendants") hereby submit their Proposed Special Jury Verdict Form. Defendants further reserve the right to amend or supplement their Proposed Special Jury Verdict Form based upon any developments at trial, any errors and omissions in the parties' submissions, and any proposed verdict form submitted by Plaintiff Adan Abreu ("Mr. Abreu" or "Plaintiff").

Dated: New York, New York  
July 5, 2017

Respectfully submitted,  
  
SEYFARTH SHAW LLP

By: /s/ Paul Galligan

Paul H. Galligan  
Howard M. Wexler  
Meredith-Anne M. Berger  
620 Eighth Avenue, 32nd Floor  
New York, NY 10018-1405  
Tel.: (212) 218-5500  
Fax: (212) 218-5526  
[pgalligan@seyfarth.com](mailto:pgalligan@seyfarth.com)  
[hwexler@seyfarth.com](mailto:hwexler@seyfarth.com)  
[mberger@seyfarth.com](mailto:mberger@seyfarth.com)

*Attorneys for Defendants*

**VERDICT SHEET**

**I. Any “Yes” answer must be unanimous.**

*Do you find that Plaintiff Adan Abreu has proven that Defendant Verizon is liable for discrimination under Title VII on the basis of his race?*

**1. Discrimination, 42 U.S.C. § 2000-e(2)(a)(1)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**2. Hostile Work Environment, 42 U.S.C. § 2000-e(2)(a)(1)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**3. Constructive Discharge, 42 U.S.C. § 2000-e(2)(a)(1)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Verizon retaliated against him for complaining of discrimination under Title VII?*

**4. Retaliation, 42 U.S.C. § 2000-e(3)(a)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Verizon is liable for discrimination under 42 U.S.C. § 1981?*

**5. Discrimination, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**6. Hostile Work Environment, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**7. Constructive Discharge, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Verizon retaliated against him for complaining of discrimination under 42 U.S.C. § 1981?*

**8. Retaliation, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Verizon is liable for discrimination on the basis of his race under the New York State Human Rights Law?*

**9. Discrimination, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

**10. Hostile Work Environment, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

**11. Constructive Discharge, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Verizon retaliated against him for complaining of discrimination under the New York State Human Rights Law?*

**12. Retaliation, 15 N.Y. EXEC. L. § 296-3a(7)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Lucas is liable for discrimination under 42 U.S.C. § 1981?*

**13. Discrimination, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**14. Hostile Work Environment, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**15. Constructive Discharge, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Lucas retaliated against him for complaining of discrimination under 42 U.S.C. § 1981?*

**16. Retaliation, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Lucas is liable for discrimination on the basis of his race under the New York State Human Rights Law?*

**17. Discrimination, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

**18. Hostile Work Environment, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

**19. Constructive Discharge, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Bolger is liable for discrimination under 42 U.S.C. § 1981?*

**20. Discrimination, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**21. Hostile Work Environment, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**22. Constructive Discharge, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Bolger retaliated against him for complaining of discrimination under 42 U.S.C. § 1981?*

**23. Retaliation, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Bolger is liable for discrimination on the basis of his race under the New York State Human Rights Law?*

**24. Discrimination, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

**25. Hostile Work Environment, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

**26. Constructive Discharge, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Francis is liable for discrimination under 42 U.S.C. § 1981?*

**27. Discrimination, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**28. Hostile Work Environment, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

**29. Constructive Discharge, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Francis retaliated against him for complaining of discrimination under 42 U.S.C. § 1981?*

**30. Retaliation, 42 U.S.C. § 1981(b)**

Yes \_\_\_\_\_ No \_\_\_\_\_

*Do you find that Plaintiff Adan Abreu has proven that Defendant Francis is liable for discrimination on the basis of his race under the New York State Human Rights Law?*

**31. Discrimination, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_ No \_\_\_\_\_

**32. Hostile Work Environment, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_

No \_\_\_\_\_

**33. Constructive Discharge, 15 N.Y. EXEC. L. § 296-a**

Yes \_\_\_\_\_

No \_\_\_\_\_

**This remainder of this worksheet should only be completed if the jury has found for Plaintiff on any of the claims above. If the jury has not found for Plaintiff, please inform the Court Officer that you have reached a verdict, and do not complete any further questions.**

II. *If you answered any of the questions above “Yes,” then you should proceed to the questions below regarding compensation.*

**1. Compensation**

- a. What amount, if any, of compensatory damages did Plaintiff prove, including back pay and emotional damages?  
\$ \_\_\_\_\_
- b. If you found that the damages should have been reduced by Plaintiff’s mitigation, how much should be deducted from the damages above?

\$ \_\_\_\_\_

**2. Punitive Damages**

**[THIS SECTION SHOULD ONLY BE ADDED ONLY IF PUNITIVE DAMAGES ARE BEFORE THE JURY]**

- a. Has Mr. Abreu proven by a preponderance of the evidence that a management official of Verizon personally acted with malice or reckless indifference to Mr. Abreu’s protected civil rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you answered “Yes” to Question (II)(2)(a), proceed to Question (II)(2)(b). If you answered “No” to Question (II)(2)(a), YOU HAVE FOUND FOR DEFENDANTS ON PLAINTIFF’S CLAIM FOR PUNITIVE DAMAGES. Do not answer any more questions on this claim and tell the Court Officer that you have reached a verdict.*

- b. Has Verizon proven by a preponderance of the evidence that it made a good-faith attempt to comply with the law, by adopting policies and procedures designed to prevent unlawful discrimination or retaliation?

Yes \_\_\_\_\_ No \_\_\_\_\_

*If you answered “No” to Question (II)(2)(b), proceed to Question (II)(2)(c). If you answered “Yes” to Question (II)(2)(a), YOU HAVE FOUND FOR DEFENDANTS ON PLAINTIFF’S CLAIM FOR PUNITIVE DAMAGES. Do not answer any more questions on this claim and tell the Court Officer that you have reached a verdict.*

- c. Do you choose in your discretion to award punitive damages against Defendants?

Yes \_\_\_\_\_ No \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, Paul H. Galligan, hereby certify that on July 5, 2017, I electronically filed the foregoing DEFENDANTS' PROPOSED SPECIAL VERDICT FORM with the Clerk of the Court via the Court's CM/ECF system, which sent notification of such filing to all counsel of record.

/s/ Paul H. Galligan  
Paul H. Galligan